

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 5, 7, and 13-20 are requested to be cancelled.

Claims 1, 3, 6, 8, and 21 are currently being amended.

A new Claim 24 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 4, 6, 8-12 and 21-24 are now pending in this application.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Hamilton (U.S. Patent No. 2,805,559). Hamilton does not disclose a duct system extending “through a window in a building, the top of the housing being located below a lower edge of the window; wherein the duct system includes an extension portion that extends through the window, the extension portion being rectangular and having a short pair of sides having a length equal to or less than one third of the length of the longer pair of sides” As recited in claim 1. Accordingly, claim 1 is not anticipated by Hamilton.

Claims 2-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 2,805,559) in view of Galeazzi et al. (EP 0718564A2). Claims 2, 5 and 7 have been canceled.

Neither Hamilton nor Galeazzi either alone or in combination teaches, discloses or suggests the evaporative cooler as recited in Claim 1. Specifically, neither Hamilton nor Galeazzi et al. disclose an evaporative cooler having a duct system extending through a window of building for delivering cooled air into a building. Hamilton discloses a duct 37 for

directing the cooled air from an evaporative cooler to an attic or other discharge point (See col. 3 lines 28-33).

Galeazzi et al. disclose a number of embodiments, the first embodiment illustrated in FIG. 1 shows a first intake 11 and an outlet 12 with no duct work at all. The embodiment illustrated in Figures 2 and 3 disclose a duct 17 having a diffuser element 18 to direct hot air. In one embodiment the hot air is directed back into housing 9c so that the hot air may be vented through grille 21. In another embodiment, the hot air is vented through a window 4. The duct 17 is used only to direct heated air away from the housing and out of the building. Galeazzi et al. do not disclose an evaporative cooler having a duct located above the housing for blowing cooled from the housing into the building. In contrast the duct 18 shown in Fig. 3 is used to direct hot air toward the outside of a building.

Claims 3, 4, 6, and 8 depend from claim 1 and are patentable over Hamilton in view of Galeazzi for at least the reasons stated above. However the claims are patentable over the cited references for other reasons as well. For example, neither Hamilton nor Galeazzi et al. disclose, teach or suggest the rectangular opening wherein the short pair of sides is no greater than five inches.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 2,805,559) in view of Galeazzi et al. (EP 0718564 A2) as applied to claim 8, and further in view of Campbell et al. (U.S. Patent No. 4,819,448) or Cavender (U.S. Patent No. 6,546,744).

Claim 9 depends from claim 1 and is patentable over the cited references for the reasons state above with respect to Hamilton and Galeazzi et al. The addition of Campbell et al. and Cavender does not supply the missing elements as discussed above with respect to claim 1.

Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 2,805,559) in view of Galeazzi et al. (EP 0718564 A2) and Campbell et al. (U.S. Patent No. 4,819,448) or Cavender (U.S. Patent No. 6,546,744) as applied to claim 9 and further in view of Grandinetti (U.S. Patent No. 2,620,638).

Claims 10-12 depend from claim 1 and are patentable over Hamilton and Galeazzi et al. for at least the reasons cited above with respect to claim 1. Neither Campbell et al., Cavender nor Grandinetti provide the missing elements identified above with respect to Hamilton and Galeazzi et al. Grandinetti discloses an air conditioning unit located within the building with a vent extending through a window and not an evaporative cooler located outside the building for venting cooled air into the building. Further the vent disclosed in Grandinetti are located at the same height as the housing and therefore the housing is not located below a lower edge of the window as recited in the claim 1. Accordingly, claims 10-12 are patentable over the cited references.

Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton (U.S. Patent No. 2,805,559) in view of Campbell et al. (U.S. Patent No. 4,819,448) or Cavender (U.S. Patent No. 6,546,744). Claim 21-23 are patentable over the cited references since neither Hamilton nor Campbell et al. nor Cavender either alone or in combination teaches, discloses or suggests the evaporative cooler as recited in Claim 21. Specifically, none of the references disclose a “duct including an extension portion that extends through the window, the second opening of the duct being substantially rectangular and having a short pair of sides having a length equal to or less than one third of the length of a longer pair of sides; and wherein the only portion of the window that is blocked is by the rectangular extension portion, such that the duct and housing are not visible when viewed from an interior of the window at the extension portion” as recited in claim 21. The duct and housing are located either below or directly behind the extension portion and as a result the housing and duct are not visible when viewed from an interior of the window. Claims 22-23 depend from claim 21 and are patentable over the cited references for at least the same reason stated above with respect to claim 21. None of the cited references provide for an evaporative cooler that permits the evaporative cooler to remain outside of the building while having a low profile duct where the duct work and evaporative cooler housing do not block the window more than the extension portion of the duct that actually extends through the window. This arrangement permits the use of an evaporative cooler and venting through a window without blocking a large portion of the window. The only area of the window blocked is the area defined by the section of the duct that extends through the window.

A new claim 24 has been added. It is submitted that claim 24 is patentable over the cited references. No new matter has been added with new claim 24.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3, 4, 6, 8-12 and 21-24 are now pending in this application.

Applicant believes that the present application is now in condition for allowance.

Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

12/5/05

By



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